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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Watson et al.

Serial No.: 09/841,960

Group Art Unit: 1619

Filed: April 25, 2001

Examiner: To be assigned

For: METHODS AND COMPOSITIONS FOR
DIAGNOSIS AND TREATMENT OF
CANCER BASED ON THE
TRANSCRIPTION FACTOR ETS2

Attorney Docket No.: 10545-014

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:

- 1a. ☒ A list of all patents, publications, applications, or other information submitted for consideration by the office.
- 1b. A legible copy of :
 - ☒ Each U.S. patent application publication and U.S. and foreign patent;
 - ☒ Each publication or that portion which caused it to be listed on the PTO-1449;
 - ☒ For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;
 - ☐ all other information or portion which caused it to be listed on the PTO-1449.
- 1c. ☒ An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.
- 1d. ☐ Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.

2. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):

- ☐ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
 - ☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
 - ☒ Before the mailing of the first Office action on the merits;
 - ☐ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
3. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.

(Check either Item 3a or 3b)

- 3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
- 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
- ☐ enclosed
 - ☐ to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.

(Item 3b to be checked if any reference known for more than 3 months)

4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.

The \$180.00 fee set forth in 37 C.F.R. §1.17(i)(1) is:

- ☐ enclosed.
- ☐ to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.

The Certification Statement in Item 5 below is applicable.

5. ☐ Certification Statement *(applicable if Item 3a or Item 4 is checked)*

(Check either Item 5a or 5b)


- 5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☐ In accordance with 37 C.F.R. §1.97(e)(2), it is certified that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was known by any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
6. ☐ This application is a continuation application under 37 C.F.R. §1.60 or §1.53(b) or (d).

(Check appropriate Items 6a, 6b and/or 6c)

- 6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.
- 6b. ☐ Copies of publications listed on Form PTO-1449 from prior application Serial No. __, filed on __, of which this application claims priority under 35 U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d).
- 6c. ☐ Copies of the publications listed on Form PTO-1449 were not previously cited in prior application Serial No. __, filed on __, and are provided herewith.
7. ☐ This is a Supplemental Information Disclosure Statement. *(Check either Item 7a or 7b)*
- 7a. ☐ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on __. A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on __.
- 7b. ☐ This Supplemental Information Disclosure Statement is timely filed within one (1) month of a PTO Notice under 37 C.F.R. §1.97(i).
8. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
(Check Item 8a, 8b, or 8c)
- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Pennie & Edmonds LLP Deposit Account No. 16-1150.
10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Respectfully submitted,

Date December 4, 2001

By: 
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Sheet 1 of 2

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LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

ATTY. DOCKET NO. 10545-014-999	APPLICATION NO. 09/841,960
APPLICANT Watson et al.	
FILING DATE April 25, 2001	GROUP 1619

U.S. PATENT DOCUMENTS

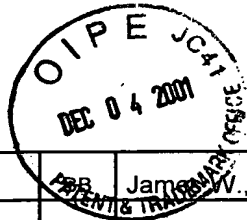
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	6,054,316	04/25/00	Baker et al.			
	AB	5,989,910	11/23/99	Mermoud et al.			
	AC	5,968,773	10/19/99	Hedde et al.			
	AD	5,801,254	09/1998	Baraochini et al.			
	AE	5,445,941	08/29/95	Yang			
	AF	09/841,963		Watson et al.			04/25/01

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	AG	Albanese et al., 1995, Journal of Biological Chemistry, 170: 23589-23597
	AH	Ausubel et al., eds., 1989, Current Protocols in Molecular biology, Vol.1, p 2.10.3
	AI	Bassuk, A.G. and Leiden, J.M., 1997, Advances in Immunology, 64: 65-104
	AJ	Bhat et al., 1987, Proceedings of National Academy of Science, USA, 84: 3161-3165
	AK	Bhat et al., 1987, Proceedings of National Academy of Science USA, 87: 3723-3727
	AL	Bhat et al., 1996, Int. J. Oncol, 8: 841-846
	AM	Boulukos et al., 1990, Genes Dev., 4: 401-409
	AN	Buttice et al., 1993, J. of Biological Chemistry, 268(10): 7196-7204
	AO	Cheng et al., 1996, Proceedings of National Academy of Science, USA, 93: 3636-3641
	AP	Chumakov et al., 1993, J. of Virology, 67(4): 2421-2425
	AQ	Clausen et al., 1997, Leukemia, 11: 1224-1233
	AR	Clearly, 1991, Cell, 66:619-622
	AS	Dalton and Treisman, 1992, Cell 68: 597-612
	AT	de Nigris et al., 2001, Cancer Research, 61(5): 2267-2275
	AU	Dittmer and Nordheim, 1998, Biochimica et Biophysica Acta, 1377: 1-11
	AV	Dooley et al., 1996, Ann. Rheum. Dis., 55: 298-304
	AW	Foos et al., 2000, Oncogene, 19(48): 5507-5516
	AX	Foos, et al., 1998, J. of Biological Chemistry, 273(30): 18871-18880
	AY	Galang et al., 1994, Oncogene, 9: 2913-2921
	AZ	Graves & Petersen, 1998, Advances in Cancer Research, 75: 1-55
	BA	Huang et al., 1994, Zhonghua Zhongliu Zhi, 16: 243-246 (Translation of abstract attached)



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AB	Jamieson W., 1991, Antiviral Chemistry & Chemotherapy, 2: 191-214
BC	Janknecht & Nordheim, 1993, Biochimica et Biophysica Acta, 1155: 346-356
BD	Langer et al., 1992, Mol Cell Biology, 12: 5355-5362
BE	Liao et al., 1996, Cancer Lett., 100: 215-221
BF	Liu et al., 1997, The Prostate, 30: 145-153
BG	Milner et al., 1997, Nature Biotechnology, 15: 537-541
BH	Papas et al., 1997, Leukemia, 11: 557-566
BI	Sanghvi, 1993, Antisense Research and Applications, Crooke et al., ed., Ch 15.; 273-288, CRC Press
BJ	Santoro et al., 1992, Cancer Genet. Cytogenet., 58: 71-75
BK	Sapi et al., 1998, Cancer Research, 58: 10207-1033
BL	Schneikert et al., 1992, Oncogene, 7(2): 249-256
BM	Sementchenko, et al., 1998, Oncogene 17: 2883-2888
BN	Seth et al., 1989, Proceedings of National Academy of Science, USA, 86: 7833-7837
BO	Seth et al., 1990, Oncogene 5: 1761-1767
BP	Simpson et al., 1997, Oncogene, 13: 2149-2157
BQ	Soudant et al., 1994, Nucleic Acids Research, 22(19): 3871-3879
BR	Sumarsono et al., 1996, Nature, 379: 534-537
BS	Thompson et al., 1991, Science 253: 762-768
BT	Tymms et al., 1994, Molecular Reproduction and Development, 39(2): 208-214
BU	Wasylyk et al., 1993, Eur. J. Biochem. 211: 7-18
BV	Wasylyk et al., 1992, Genes Dev. 6: 965-974
BW	Watabe et al., 1998, International Journal of Cancer, 77: 128-137
BX	Watson et al., 1988, Proceedings of National Academy of Science, USA, 85: 7862-7866
BY	Watson et al., 1986, Proceedings of National Academy of Science, USA, 83(6): 1792-1796
BZ	Watson et al., 1985, Proceedings of National Academy of Science, USA, 82: 7294-7298
CA	Watson et al., 1990, Crit. Rev. Oncog, 1: 409-36
CB	Wen et al., 1995, Experimental Cell Research, 217: 8-14
CC	Xin et al., 1992, Genes Dev., 6: 481-496
CD	Yaniv and Ghysdael eds, 1997, Oncogenes as Transcriptional Regulators, pp 29-88, Birkhäuser Verlag

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.